

### REMARKS

The Office Action and the references cited therein have been carefully reviewed. The following remarks herein are considered to be responsive thereto. Entry of the amended claims is appropriate since the amended claims place the application in condition for allowance or at least in better condition for appeal.

The specification is amended to refer to the Observer UI 122 and Server 140 in Figure 1. No new matter is presented.

Claims 1, 3, 5-10, 12, 13, 15, 16, 18 and 19 are amended, claims 2, 4, 14, 17 and 20 are cancelled, claim 21-25 are new, and claim 11 is original. Generally, the claims are amended to improve clarity. Regarding claim 1, see the specification, page 6, line 16 to page 7, line 20. Regarding claim 3, see page 9, lines 1-3. Regarding claim 6, see page 8, item #13. Regarding claim 13, see page 6, lines 18-23. Regarding claim 21, see page 6, lines 18-23. Regarding claim 22, see page 28, line 20 to page 29, line 19. Regarding claim 23, see page 31, lines 9-12 and page 34, lines 1-5. Claim 24 is based on part of former claim 10. Claim 25 is based on part of former claim 13.

Applicants respectfully submit that independent claims 1, 10 and 13 are patentably distinguished over the cited references and are allowable, and that claims 3, 5-9, 11, 12 and 15, 16, 18, 19 and 21-25 are allowable at least because they depend from an allowable base claim.

Claims 1, 2, 5, 6, 8, 9, 13, 14 and 16 have been rejected under 35 U.S.C. §102 (e) as being anticipated by U.S. Patent No. 6,049,281 to Osterweil. Regarding claim 1, the references do not disclose or suggest a controller that is programmed to produce class data by classifying at least one alarm condition in a monitored zone, in which a person requiring supervision is located, in a class selected from a plurality of available classes. The class data is responsive to an

environment monitor located in the monitored zone. Osterweil is only concerned with actuating an alarm when an image capturing device determines that an individual is getting up from a bed or falling out of the bed. Regarding the passage at col. 2, lines 35-48, Osterweil is concerned with analyzing the movement of a person to determine a probability of whether a fall is imminent. This does not amount to producing class data by classifying at least one alarm condition in a class selected from a plurality of available classes. Instead, with Osterweil's scheme, if the probability indicates a fall is imminent or has occurred, an alarm is activated to alert monitoring personnel. The determination of whether an alarm should be activated does not amount to a classification of an alarm condition. Accordingly, claim 1 and the dependent claims thereof are believe to be patentable over Osterweil.

Regarding claim 13, Osterweil does not disclose or suggest detecting when a behavior of a second person in an environment of a person requiring supervision, represents a distress event for the person requiring supervision so as to require the attention of a remote supervisor. Accordingly, claim 13 and the dependent claims thereof are believed to be patentable over Osterweil.

Withdrawal of the rejection is therefore respectfully requested.

Further, claims 3, 4 and 18 have been rejected under 35 U.S.C. §103 (a) as being unpatentable over Osterweil in view of U.S. Patent No. 6,323,761 to Son. Son is concerned with using face recognition to recognize the proper owner of a car, then unlocking the car when the owner is recognized. However, Osterweil is not concerned with face recognition or auto anti-theft devices. Accordingly, these references are directed to different technical problems, and there is no motivation to combine these references as suggested. Moreover, at least Son is non-

analogous to the present invention because Son is not in the same field of endeavor as the present invention nor is it directed to solving the same problem.

Withdrawal of the rejection is therefore respectfully requested.

Claims 7, 15 and 19 have been rejected under 35 U.S.C. §103 (a) as being unpatentable over Osterweil in view of U.S. Patent No. 6,062,216 to Corn. Corn triggers an alarm when a breathing irregularity in a person is detected such as due to sleep apnea. There is no motivation to combine these references since Osterweil is concerned with detecting when a person is getting out of bed, which is a completely different problem. The combination would only result in a system that detects a breathing irregularity or when a person is getting out of bed. Such a combined system does not meet the limitations set forth in Applicants' claims.

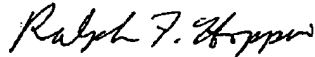
Withdrawal of the rejection is therefore respectfully requested.

Claims 10-12 have been rejected under 35 U.S.C. §103 (a) as being unpatentable over U.S. Patent No. 6,160,478 to Jacobson in view of U.S. Patent No. 5,462,051 to Oka, et al. Jacobson sets an alert state when a person falls down, or triggers an alarm state based on anomalous vital signs. Oka provides a communication medical system including a sensor worn by a person and a communication device providing two-way communication with a remote medical worker. However, the combination of Jacobson and Oka, if made, *arguendo*, still does not disclose the invention set forth in claim 10, including the feature of a controller programmed to determine whether to generate a first alarm signal based on whether a state of the caretaker represents a distress event for a person requiring supervision, and to determine whether to generate a second alarm signal based on a state of the person.

Withdrawal of the rejection is therefore respectfully requested.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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